

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANK L. WOLANIN,

Plaintiff,

vs.

Case No. 15-12743

HON. GEORGE CARAM STEEH

ANGIE GIBAS, KENDRA BURTON,  
and DANIEL HEYNS,

Defendants.

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ORDER DENYING PLAINTIFF'S MOTION TO WAIVE  
THE REMAINDER OF THE FILING FEE (DOC. 36)

This matter comes before the court on plaintiff's motion to waive the remainder of the case's filing fee. (Doc. 36). Magistrate Judge Whalen previously issued an order waiving prepayment of the filing fee and directing payment of the initial partial filing fee and subsequent payments. (Doc. 3). The Court issued an order accepting Magistrate Judge Majzoub's report and recommendation to grant defendants' motion for summary judgment, (Doc. 34), and a judgment in favor of defendants' on July 19, 2016, (Doc. 35). Plaintiff thereafter filed this motion.

28 U.S.C. § 1915(a) controls proceedings *in forma pauperis* (IFP). This statute does not completely excuse IFP plaintiffs from fee payment, but rather merely excludes *pre-payment* of fees. *Id.*; see also *Robbins v.*

*Switzer*, 104 F.3d 895, 898 (7th Cir. 1997) (“[A]ll § 1915(a) does for any litigant is excuse the *pre*-payment of fees. Unsuccessful litigants are liable for fees and costs and must pay when they are able.”); *In re Smith*, 114 F.3d 1247, 1251 (D.C. Cir. 1997). It is for the court to decide whether a plaintiff with IFP status is entirely exempt from paying fees. Magistrate Judge Whalen specifically ordered plaintiff to pay the entire filing fee. (Doc. 3). Therefore, plaintiff’s motion to waive the remainder of the filing fee is DENIED.

IT IS SO ORDERED.

Dated: December 7, 2016

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 7, 2016, by electronic and/or ordinary mail and also on Frank Wolanin #148317, Saginaw Correctional Facility, 9625 Pierce Road, Freeland, MI 48623.

s/Barbara Radke  
Deputy Clerk